

ORDINANCE NO. 2015 - 05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2015-02, AMENDING APPENDIX C, LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA, AMENDING SECTION 3.06.14 RELATED TO SHORT-TERM VACATION RENTALS; AMENDING SUBSECTION 3.06.14.N, VESTING, BY EXTENDING THE DATE FOR RECEIPT OF A FULL AND COMPLETE SHORT-TERM VACATION RENTAL CERTIFICATE APPLICATION FROM APRIL 15, 2015 TO JUNE 1, 2015, AND BY EXTENDING THE DATE TO RECEIVE A SHORT-TERM VACATION RENTAL CERTIFICATE TO COME INTO COMPLIANCE WITH THE COUNTY'S REQUIREMENTS FROM JULY 1, 2015 TO SEPTEMBER 1, 2015; AND AMENDING SUBSECTION 3.06.14.N.2, TEMPORARY VESTING OF CERTAIN SAFETY REQUIREMENTS, FROM SIX (6) MONTHS FROM THE EFFECTIVE OF ORDINANCE NO. 2015-02 TO SIX (6) MONTHS FROM JUNE 1, 2015; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 19, 2015, the Flagler County Board of County Commissioners adopted Ordinance No. 2015-02, creating Section 3.06.14, Short-term vacation rentals, of the Flagler County Land Development Code, adopted as Appendix C to the Flagler County Code of Ordinances; and

WHEREAS, through the ordinance review and adoption process, County staff worked to prepare the necessary applications and fees to implement Ordinance No. 2015-02 upon adoption; and

WHEREAS, following adoption of Ordinance No. 2015-02, the required applications and fees were not immediately available; and

WHEREAS, several key milestones in Ordinance No. 2015-02 were linked to February 19, 2015, the adoption date of the ordinance, particularly as these milestones relate to vesting; and

WHEREAS, the County desires to provide sufficient time for owners of properties used as short-term vacation rentals to achieve compliance with the requirements of the ordinance, including as these relate to vesting; and

WHEREAS, this amending ordinance is limited to the subsections of Ordinance No. 2015-02 as amended herein, and all other parts of Ordinance No. 2015-02 remain as originally adopted unless amended herein; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes and in accordance with the Flagler County Land Development Code.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS

- A. The above Recitals are incorporated herein as Findings of Fact.
- B. The Board of County Commissioners further finds as follows:
 - 1. The proposed amendment will provide for the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and
 - 2. The proposed amendment will serve to protect the health and safety of residents or workers in the area and will be complementary to the use of adjacent properties or the general neighborhood.

SECTION 2. LAND DEVELOPMENT CODE AMENDMENT

- A. Appendix C, Land Development Code, Article III Zoning Districts, Section 3.06.14, *Short-term vacation rentals*, is hereby amended as follows:
 - 1. Amendment of Section 3.06.14, *Short-term vacation rentals*, subsection N., *Vesting*, to read as follows (in part):

N. *Vesting*. Existing, legally-established short-term vacation rentals located in zoning districts and developments described in subsection 3.06.14.A as of June 1, 2015 ~~January 1, 2015~~ may become vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

To qualify for any vesting existing short-term vacation rentals shall have until June 1, 2015 ~~April 15, 2015~~ to make a full and complete application for a Short-Term Vacation Rental Certificate and until September 1, 2015 ~~July 1, 2015~~ to receive a Short-Term Vacation Rental Certificate to come into compliance with the County's requirements.

2. Amendment of Section 3.06.14, *Short-term vacation rentals*, subsection N., *Vesting*, to read as follows (in part):

2. Temporary vesting of certain safety requirements. Some existing short-term vacation rentals may not meet the minimum life/safety standards (subsection 3.06.14.C.1) required herein. Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short-term vacation rentals shall have until December 1, 2015 (six (6) months from June 1, 2015) ~~the effective date of the ordinance enacting this section~~ to come into compliance with these standards. A provisional Short-Term Vacation Rental Certificate may be issued for up to a maximum of six (6) months from June 1, 2015 (until December 1, 2015) ~~past the adoption of the ordinance enacting this section~~ granting this time for the facility to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short-Term Vacation Rental Certificate process.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

- A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or relettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.
- B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

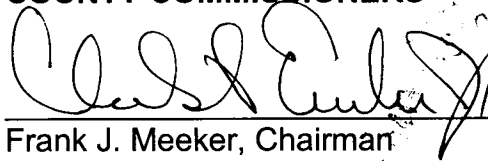
If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

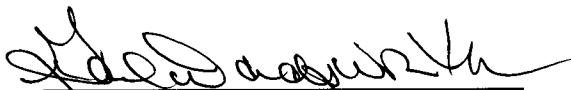
**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA THIS 6TH DAY OF APRIL, 2015.**

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**




Frank J. Meeker, Chairman

ATTEST:



Gail Wadsworth, Clerk of the
Circuit Court and Comptroller

APPROVED AS TO FORM:



Al Hadeed, County Attorney

